

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

Plaintiff,

-against-

ROCK FINTEK LLC,
Defendant.

Civil Action No. 22-cv-05276-PAE

ROCK FINTEK LLC,

*Counterclaim and Third-
Party Plaintiff,*

-against-

KITCHEN WINNERS NY INC.,

Counterclaim Defendant,

and

ADORAMA INC., HERSHEY WEINER,
JOSEPH MENDLOWITZ, JNS CAPITAL
HOLDINGS LLC and JOEL STERN

Third-Party Defendants.

**DECLARATION OF ALEXANDER
J. SPERBER IN SUPPORT OF
KITHEN WINNERS AND
ADORAMA'S MOTION *IN*
LIMINE**

Pursuant to 28 U.S.C. § 1746, I, **ALEXANDER J. SPERBER**, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am a partner at the law firm of Lipsius-BenHaim Law, LLP, counsel for Plaintiff and Counterclaim-Defendant Kitchen Winners NY Inc. ("Kitchen Winners"), and Third-Party Defendants Adorama Inc. ("Adorama"), (collectively, "Defendants") in reference to the above-captioned matter. I submit this Affirmation in support of Defendants' motion *in limine*.

2. Annexed hereto as **Exhibit “A”** is a true and correct copy of the deposition transcript of Josph Weiner dated November 15, 2023.

3. Attached hereto as **Exhibit “B”** is a true and correct copy the deposition transcript of Joseph Mendlowitz.

4. Attached hereto as **Exhibit “C”** is a true and correct copy of a purported audit that non-party Medline Industries conducted.

5. Attached hereto as **Exhibit “D”** is a true and correct copy of an email pertaining to and summarizing the Medline audit.

6. Attached hereto as **Exhibit “E”** is a true and correct copy of the deposition transcript of Brad Jaeger, the 30(b)(6) deponent designated by Medline.

7. Attached hereto as **Exhibit “F”** is a true and correct of an email sent by Josph Weiner dated July 14, 2021, produced in discovery as AKW001948-001949.

8. Attached hereto as **Exhibit “G”** is a true and correct copy the deposition transcript of Thomas Kato, appearing as a 30(b)(6) witness on behalf of Rock Fintek LLC.

9. Attached hereto as **Exhibit “H”** is a true and correct copy of the declaration of Thomas Kato, dated March 15, 2024.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Kew Gardens, NY
November 14, 2024



Alexander J. Sperber